

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ANDRE' D. BERRY §
VS. § CIVIL ACTION NO. 4:15cv751
M. JONES, ET AL. §

ORDER OF DISMISSAL

Plaintiff Andre' D. Berry, previously an inmate confined at the Collin County Detention Facility, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation concluding that the Defendants' motions for summary judgment based on Berry's failure to exhaust his administrative remedies should be granted. Berry has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Berry to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections raised by Berry lack merit. The Court specifically notes that the competent summary judgment evidence reveals that Berry did not exhaust his administrative remedies. Berry has not shown in his objections that he, in fact, exhausted his administrative remedies; thus, the case should be dismissed. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendants Jones, Bluford, Quinn, Quinn and Box's motion for summary judgment (Dkt #61) is **GRANTED**. It is further

ORDERED that Defendant Mixon's motion for summary judgment (Dkt #63) is **GRANTED**.

It is further

ORDERED that the lawsuit is **DISMISSED** with prejudice. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 7th day of September, 2016.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE